REMARKS

Claims 1-22 are pending in the present application. Claims 1, 8-10, 12, and 21 stand rejected under 35 U.S.C. § 102(b) as being obvious over Koenck (United States Patent No. 6,014,705) in view of Lipe, et al (U.S. Patent No. 5,784,615). The Examiner's rejections are respectfully traversed.

With regard to independent claims 1, 12, and 21, Applicants describe and claim demodulating an incoming analog signal to generate a digital receive signal based on a plurality of control codes, modulating a digital transmit signal to generate an analog transmit signal based on the control codes, and executing a privileged driver for configuring the plurality of control codes. Applicants also describe and claim determining if a calling program has authority to execute a privileged instruction for configuring the plurality of control codes and executing the privileged instruction in response to determining the calling program has the authority to execute the privileged instruction.
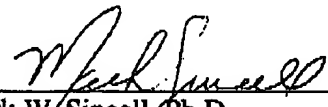
To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Koenck teaches a modem that is controlled by a driver including instructions for implementing a protocol layer based on control codes. As admitted by the Examiner, Koenck does not teach a privileged driver. Thus, the Examiner relies on Lipe to teach a device driver that may be installed at the most privileged ring of an operating system, *i.e.* ring 0 of an x86 architecture. However, Applicants respectfully submit that the cited references do not teach, and are completely silent with regard to, determining if a calling program has authority to execute a privileged instruction for configuring the plurality of control codes. The cited references also fail to teach, and are completely silent with regard to, executing the privileged

instruction in response to determining that the calling program has the authority to execute the privileged instruction. Thus, for at least this reason, Applicants respectfully submit that claims 1, 8-10, 12, and 21 are not obvious over Koenck in view of Lipe and request that the Examiner's rejections of these claims be withdrawn.

The Examiner indicated that claims 2-7, 13-19, and 22 contain allowable subject matter, but objected to these claims as depending from a rejected base claim. In view of the above amendments and arguments, Applicants respectfully submit that claims 2-7, 13-19, and 22 are in condition for allowance. The Examiner allowed claims 11 and 20.

The application is believed to be in condition for allowance and notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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